

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER P131-US-01 U.S. PATENT AND TRADEMARK OFFICE (if known, see 37 CFR 1.5) <b>107538964</b>
INTERNATIONAL APPLICATION NO. PCT/US2003/040518	INTERNATIONAL FILING DATE 19 December 2003	PRIORITY DATE CLAIMED 20 December 2002
TITLE OF INVENTION <b>A Method and Apparatus for Automatic Staining of Tissue Samples</b>		
APPLICANT(S) FOR DO/EO/US <b>Doug Sweet, Marc Key, Gordon Feingold, Kristopher Buchanan, Bob Lathrop, John Favuzzi</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: a firm letter of transmittal; a Certificate of Express Mailing for each document; a return postcard</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/538964		PCT/US2003/040518		P131-US-02	
The following fees have been submitted					
21. <input checked="" type="checkbox"/> Basic national fee..... \$300					
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500					
<b>TOTAL OF 21, 22 and 23 =</b> \$ 500.00					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		34 - 20 =	14	x \$ 50	
Independent claims		10 - 3 =	7	x \$200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$ 2,600.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.					
<b>SUBTOTAL =</b> \$ 2,600.00					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).					
<b>TOTAL NATIONAL FEE =</b> \$ 2,600.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property					
<b>TOTAL FEES ENCLOSED =</b> \$ 2,600.00					
Amount to be refunded: \$					
Amount to be charged: \$					
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 2,600.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Nicole A. Ressue					
125 South Howes, Third Floor					
Fort Collins, CO 80521					
(970) 224-3100					
(970) 224-3175 - Facsimile					
<i>Nicole A. Ressue June 14, 2005</i>					
SIGNATURE					
Nicole A. Ressue					
NAME					
USPTO Reg. No.: 48,665					
REGISTRATION NUMBER					

Express Mail No: EV 562714748 US

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Application Number:

Filed:

Applicants: Doug Sweet, Marc Key, Gordon Feingold, Kristopher Buchanan, Bob Lathrop, John Favuzzi

Title: A Method and Apparatus for Automatic Staining of Tissue Samples

International Application No: PCT/US2003/040518, Filed 19 December 2003

Original US Applications: 60/435,601, Filed 20 December 2002

TC/A.U:

Examiner:

Assignee: DakoCytomation Denmark A/S

Attorney Docket: P131 US 01

Customer No. 33549

**LETTER OF TRANSMITTAL**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

Enclosed for filing is an application for patent entitled "A Method and Apparatus for Automatic Staining of Tissue Samples" including the following documents:

1. Application Data Sheet;
2. Preliminary Amendment;
3. a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371 (FORM PTO-1390 (02/2005));
4. a true and correct copy of the Declaration for Patent Application as executed in the international application, along with a cover sheet;
5. Power of Attorney;

6. Information Disclosure Statement along with Foreign patent or patent publication references and Other references in accordance with the Office's waiver of the requirement under Rule 1.98(a)(2)(ii);
7. this Letter of Transmittal along with a Check payable to the Director of the Patent and Trademark Office in the amount of \$2,600.00; and
8. Express Mail Certificates for each document and a return postcard.

Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

**Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.**

I have this 14 day of June, 2005, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 14 day of June, 2005.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue

Nicole A. Ressue  
Attorney for Assignee  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, CO 80521  
(970) 224-3100

10/538964  
JC09 Rec'd PCT/PTO 14 JUN 2005

Express Mail No: EV 562714748 US

IN THE UNITED STATES PATENT AND  
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Application Number:

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Original US Applications: 60/435,601, Filed 20 December 2002

TC/A.U:

Examiner:

Assignee: DakoCytomation Denmark A/S

Attorney Docket: P131 US 01

Customer No. 33549

**CERTIFICATE OF EXPRESS MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Application Data Sheet with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 14<sup>th</sup> day of June, 2005.

Cheryl A. Swanson  
Cheryl A. Swanson

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Dated this 14<sup>th</sup> day of June, 2005.

Cheryl A. Swanson  
Cheryl A. Swanson

10/538964  
JC09 Rec'd PCT/PTO 14 JUN 2005

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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Preliminary Amendment with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 14 <sup>th</sup> day of June, 2005.

Cheryl A. Swanson  
Cheryl A. Swanson

10/538964

JC0914 and PCT/PTO 14 JUN 2005

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Dated this 14<sup>th</sup> day of June, 2005.

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Cheryl A. Swanson

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Dated this 14<sup>th</sup> day of June, 2005.

Cheryl A. Swanson  
Cheryl A. Swanson

10/538964

JC09 Rec PCT/PTO 14 JUN 2005

Express Mail No: EV 562714748 US

IN THE UNITED STATES PATENT AND  
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TC/A.U:

Examiner:

Assignee: DakoCytomation Denmark A/S

Attorney Docket: P131 US 01

Customer No. 33549

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**COVER SHEET\***

**FOR**

**A TRUE AND CORRECT COPY OF THE**

**DECLARATION FOR PATENT APPLICATION**

**AS EXECUTED IN THE INTERNATIONAL APPLICATION**

\* This Cover Sheet is provided for the convenience of Patent Office personnel, to indicate the new caption and title and thus minimize the risk of loss in the event documents are separated from the file.

10/538964

JCO9 14 JUN 2005

Express Mail No: EV 562714748 US

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Application Number:

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Dated this 14<sup>th</sup> day of June, 2005.

Cheryl A. Swanson  
Cheryl A. Swanson

10/538964

JC09 5'd PCT/PTO 14 JUN 2005

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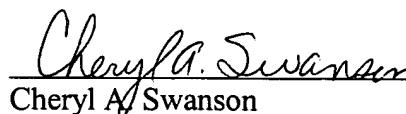
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Dated this 14<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
Cheryl A. Swanson